

STATE OF TEXAS §  
COUNTIES OF ARANSAS §  
SAN PATRICIO AND NUECES §  
CITY OF ARANSAS PASS §

On this the 15th day of September, 2014 the City Council of the City of Aransas Pass convened in a Regular Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT:                      Adan Chapa                      Mayor  
                                     Vickie Abrego                      Mayor Pro Tem  
                                     Ramiro Gomez                      Council Member  
                                     Billy Ellis                      Council Member  
                                     Phillip Hyatt                      Council Member

ABSENT:

ADMINISTRATIVE  
PERSONNEL PRESENT:        Sylvia Carrillo                      City Manager (Skyped In)  
                                     Allen Lawrence                      City Attorney

ADMINISTRATIVE  
PERSONNEL ABSENT:

STAFF PRESENT:              Yvonne Stonebraker              City Secretary  
                                     Bill Haines                      Emergency Management Coordinator  
                                     Eric Blanchard                      Police Chief  
                                     Rickie Kilgore                      Fire Chief  
                                     Jeff Martin                      I.T.  
                                     Brooke Ostrom                      Social Media Intern  
                                     Michael Holmes                      Building Official  
                                     Daphne Garramore                      Admin. Assist. BD  
                                     J.P. Gonzales                      Head Meter Reader  
                                     James Hale                      Street Superintendent  
                                     Ron Howe                      Municipal Court Judge  
                                     C.J. Shusta                      Animal Control Officer  
                                     Tanya Haleua                      Animal Control Officer

OTHERS PRESENT:              Steve Warren, Mr. & Mrs. Timoteo Cortez, Dahlia Davila, Anita Martinez, Donald Brummett, Carol Salinas, Hal Jones, Juan Perales, Jr, Jimmy Evans, Jim LeRouay, James Redmond, Richard Gonzales, Vesta Lopez and Patsy Lawrence.

*There may have been others present who did not sign in.*

- 1.    CALL MEETING TO ORDER.  
  
Mayor Chapa opened the meeting at 7:00 P.M.
- 2.    INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.  
  
Mayor Chapa led the Invocation and the Pledge of Allegiance to the United States Flag.
- 3.    CONSENT AGENDA – “All of the following items on the Consent Agenda are considered to be routine by the

City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately”.

- A. MINUTES ON AUGUST 25 AND SEPTEMBER 2, 2014.
- B. CONSIDER AND ACT ESOLUTION NO. 2014-737 – A RESOLUTION FOR TAX RE-SALE PROPERTY SUIT NO. A-05-3066-TX-A; ARANSAS COUNTY, ARANSAS PASS INDEPENDENT SCHOOL DISTRICT AND CITY OF ARANSAS PASS VS MICHAEL J. ULRICH, ET AL, TRACT NO. 2: ACCT. NOS. R12476 AND 0149-389-001-000; LOT 1, BLOCK 389, ORIGINAL TOWNSITE, CITY OF ARANSAS PASS, ARANSAS COUNTY, TEXAS, AS DESCRIBED IN CLERK’S FILE #225187, DEED RECORDS OF ARANSAS COUNTY, TEXAS, AS DESCRIBED IN VOLUME U-2, PAGE 138, DEED RECORDS OF ARANSAS COUNTY, TEXAS. N. LAMONT, ARANSAS PASS. BID BY CARY M.A. SMITH OF \$610.00.
- C. RESOLUTION NO. 2014-738 – A RESOLUTION FOR TAX RE-SALE PROPERTY SUIT NO. A-08-3082-TX-B; ARANSAS PASS INDEPENDENT SCHOOL DISTRICT, CITY OF ARANSAS PASS AND ARANSAS COUNTY VS CHRISTINA VELA RODRIGUEZ, ET AL, ACCT. NO. R12646; LOT 4, BLOCK 474, ORIGINAL TOWNSITE, CITY OF ARANSAS PASS, ARANSAS COUNTY, TEXAS, AS DESCRIBED IN CLERK’S FILE #225187, DEED RECORDS OF ARANSAS COUNTY, TEXAS. 833 N. RIFE, ARANSAS PASS. BID BY NEXT LOTS, LLC OF \$3,990.00.
- D. ORDINANCE NO. 2014-4083 - AN ORDINANCE AMENDING THE CITY OF ARANSAS PASS CODE OF ORDINANCES BY AMENDING CHAPTER 29, ARTICLE II, WATER AND SEWER RATES, BY INCREASING THE MINUMUM RATE FOR CUSTOMERS BY \$2.50 FOR WATER AND \$4.00 FOR SEWER; IN ADDITION, INCREASING THE PER UNIT RATE FOR CONSUMPTION BY \$0.40 CENTS FOR BOTH RESIDENTIAL AND COMMERCIAL CUSTOMERS.
- E. ORDINANCE NO. 2014-4084 – AN ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS AMENDING CHAPTER 4 – ANIMAL AND FOWL, OF THE CODE OF ORDINANCES, PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.
- F. ORDINANCE NO. 2014-4085 – AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF ARANSAS PASS, TEXAS, FOR THE FISCAL YEAR 2014-2015 ESTIMATING THE REVENUES FOR SAID FISCAL YEAR; APPROPRIATING FOR THE PURPOSES STATED THE SUMS SET FORTH IN SAID BUDGET; DESIGNATING THE CITY MANAGER AS THE INDIVIDUAL WHO MAY MAKE REQUISITIONS FOR ENCUMBRANCES AGAINST APPROPRIATIONS; AND, DIRECTING THE CITY MANAGER TO MAKE NECESSARY ENTRIES UPON THE BOOKS AND ACCOUNTS OF THE CITY TO SHOW THE APPROPRIATION AND ALLOCATIONS HEREIN PROVIDED.
- G. ORDINANCE NO. 2014-4086 – AN ORDINANCE LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE CITY OF ARANSAS PASS, TEXAS, SUBJECT TO TAXATION, A CERTAIN SUM UPON EACH ONE HUNDRED (\$100.00) DOLLARS OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQUESTED IN THE ANNUAL BUDGET, LESS AMOUNT ESTIMATED TO BE RECEIVED FROM FINES, LICENSES, AND OTHER SOURCES OF REVENUE.

Motion Made By: Council member Hyatt

Seconded By: Council member Ellis

Votes: Aye Ellis, Gomez, Hyatt, Abrego, Chapa

Discussion: Council member Hyatt made a motion to approve the consent agenda. Council member Ellis seconded the motion and the motion carried unanimously.

4. PROCLAMATION FOR FIRE SAFETY WEEK, OCTOBER 5 -11, 2014.

Discussion: Mayor Chapa read the proclamation for Fire Safety Week and presented to Aransas Pass Fire Chief Rickie Kilgore.

5. CONSIDER AND ACT ON SOFTWARE PURCHASE, LICENSING AGREEMENT AND ANNUAL MAINTENANCE COSTS FOR THE FOLLOWING:

A. SCADA SYSTEM AND RELATED ITEMS

Motion Made By: Council Member Ellis

Seconded By: Council Member Hyatt

Votes: Aye Ellis, Hyatt, Gomez, Abrego, Chapa

Discussion: City Manager Sylvia Carrillo stated the SCADA systems monitors the water levels in the city's water tanks and lift station pumps. She stated the new SCADA software is causing the low water pressure and the problem will persist until possibly January, when the water tanks are re-wired. She stated, at the moment, staff was projecting not to exceed \$100,000 but staff may need to come before Council should the cost go over \$100,000. She stated the system would be funded with 2014 Bond monies.

Council Member Ellis made a motion to approve SCADA System and related items not to exceed \$100,000. Council Member Hyatt seconded the motion and the motion carried unanimously.

#### **B. UNITED SYSTEM TECHNOLOGY, INC AND RELATED ITEMS**

Motion Made By: Council Member Hyatt

Seconded By: Mayor Pro Tem Abrego

Votes: Aye Hyatt, Abrego, Gomez, Ellis, Chapa

Discussion: City Manager Carrillo stated the city is replacing Incode with United System Technology, Inc. She stated the change would allow citizens to pay their bills on-line, all departments could talk to each other and that upgrading Incode would cost a lot of money. I.T. Manager, Jeff Martin, stated U.S.T.I. was user friendly and believes it would improve city business.

Council Member Hyatt made a motion to approve the United System Technology, Inc contract and related items. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

#### **6. CONSIDER AND ACT ON ADJUSTING DISPUTED WATERBILL ACCOUNTS UNUSUALLY HIGH DUE TO METER READER NOT READING AS REQUIRED.**

Motion Made By: Mayor Pro Tem Abrego

Seconded By: Council Member Ellis

Votes: Aye Abrego, Ellis, Gomez, Hyatt, Chapa

Discussion: Mayor Pro Tem Abrego made a motion to approve adjusting disputed waterbill accounts unusually high due to meter reader not reading as required. Council Member Ellis seconded the motion and the motion carried unanimously.

#### **7. CONSIDER AND ACT ON AMENDING THE ANIMAL CONTROL ORDINANCE TO INCLUDE 6 CHICKENS AND NO ROOSTERS INSIDE THE CITY LIMITS OF ARANSAS PASS.**

Discussion: **Tabled**

#### **8. CONSIDER AND ACT ON BUILDING DEPARTMENT ITEMS:** **A. APPOINTING MEMBERS TO THE ARANSAS PASS BUILDING STANDARDS BOARD**

Motion Made By: Council Member Ellis

Seconded By: Mayor Pro Tem Abrego

Votes: Aye Ellis, Abrego, Gomez, Hyatt, Chapa

Discussion: Building Official Michael Holmes stated the Building Standards Board needed five (5) members and there were seven (7) applicants to choose from.

Council Member Ellis made the motion to approve appointment of Mr. Raymond Stone, Mr. Kevin Stubbs, Mr. Michael Moore, Ms. Jen Rubinowitz, and Mr. Richard (Sandy) Kubek. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

#### **B. AWARDING BID FOR MOWING SERVICES**

Discussion: **One bid received after deadline. City of Aransas Pass will re-bid.**

#### **C. PUBLIC HEARING ON THE REQUEST OF LACOSTA DEVELOPMENT COMPANY LLC TO RE-ZONE FROM (R10) SINGLE-FAMILY DWELLING DISTRICT TO A (PD) PLANNED DEVELOPMENT WITHIN THE CITY OF ARANSAS PASS. THE PROPERTY IS DESCRIBED AS W/2 TRACT 9, BLOCK 205, BURTON & DANFORTH**

**S/D, 2.5 ACRES AND TRACT 8, BLOCK 205, BURTON & DANFORTH S/D, 5 ACRES. THE PROPERTY IS CURRENTLY ZONED (R10) SINGLE-FAMILY DWELLING DISTRICT.**

Discussion: City Attorney Allen Lawrence opened the Public Hearing at 7:37 PM. He asked if there was anyone to speak on behalf of LaCosta Development Company, LLC.

Mr. Neill Amsler stated he would like to re-zone 7 ½ acres from Single Family Dwelling to Planned Development. He stated this development is right beside a Hogan Homes development and would be 34 lots.

City Attorney Lawrence asked if there was anyone who would like to speak against this request.

There was none.

City Attorney Lawrence closed the Public Hearing at 7:41 PM.

**D. CONSIDER AND ACT ON THE REQUEST OF LACOSTA DEVELOPMENT COMPANY LLC TO RE-ZONE FROM (R10) SINGLE-FAMILY DWELLING DISTRICT TO A (PD) PLANNED DEVELOPMENT WITHIN THE CITY OF ARANSAS PASS. THE PROPERTY IS DESCRIBED AS W/2 TRACT 9, BLOCK 205, BURTON & DANFORTH S/D, 2.5 ACRES AND TRACT 8, BLOCK 205, BURTON & DANFORTH S/D, 5 ACRES. THE PROPERTY IS CURRENTLY ZONED (R10) SINGLE-FAMILY DWELLING DISTRICT.**

Motion Made By: Council Member Ellis

Seconded By: Council Member Hyatt

Votes: Aye Ellis, Hyatt, Gomez, Abrego, Chapa

Nay:

Discussion: Council Member Ellis made a motion to approve the request of LaCosta Development Company, LLC to re-zone From (R10) Single Family Dwelling to (PD) Planned Development within the City of Aransas Pass. The property is described as W/2 Tract 9, Block 205, Burton and Danforth S/D, 2.5 Acres and Tract 8, Block 205, Burton and Danforth S/D, 5 Acres. The property is currently zoned (R10) Single Family Dwelling. Council Member Hyatt seconded the motion and the motion carried unanimously.

**E. A PUBLIC HEARING TO CONSIDER THE REQUEST SUBMITTED BY LACOSTA DEVELOPMENT COMPANY LLC FOR A PARTIAL STREET RIGHT-OF-WAY CLOSURE (EAST SIDE OF S. SAUNDERS STREET). THE PROPERTY IS DESCRIBED AS BEING A RE-PLAT OF LOT 1-R, BLOCK 734, ARANSAS PASS TOWNSITE.**

Discussion: City Attorney Lawrence opened the Public Hearing at 7:42 PM.

Mr. Neill Amsler stated he would like to abandon 30 feet of the 120 foot right-of-way on the eastside of Saunders Street to be able to turn 3 lots into 4 lots. He stated 4 houses could bring in more tax base for the City of Aransas Pass. Mr. Amsler stated he had the property surveyed for the 3 lots but not the 4 lots.

City Manager Carrillo stated Mr. Amsler would have the lots surveyed with metes and bounds of the 30 foot by 165 foot. She stated Mr. Amsler should pay fair market value for that property because it is public right-of-way and the City of Aransas Pass cannot give anything away for free. She stated Mr. Amsler would have the survey done with metes and bounds and then make an offer of fair market value. She stated she would bring the offer before City Council. She stated once Council agreed, then Mr. Amsler could move forward.

City Attorney Lawrence asked if there was anyone who would like to speak against this request.

There was none.

City Attorney Lawrence stated Mr. Amsler's request was approved through Planning and Zoning. City Attorney Lawrence suggested to Council to follow the recommendations of the City Manager.

City Attorney Lawrence closed the Public Hearing at 7:47 PM.

**F. CONSIDER AND ACT ON REQUEST SUBMITTED BY LACOSTA DEVELOPMENT COMPANY LLC FOR A PARTIAL STREET RIGHT-OF-WAY CLOSURE (EAST SIDE OF S. SAUNDERS STREET). THE PROPERTY IS DESCRIBED AS BEING A RE-PLAT OF LOT 1-R, BLOCK 734, ARANSAS PASS TOWNSITE.**

Motion Made By: Council Member Ellis

Seconded By: Mayor Pro Tem Abrego

Votes: Aye Ellis, Abrego, Gomez, Hyatt, Chapa

Discussion: Council Member Ellis made a motion to approve request submitted by LaCosta Development Company, LLC, subject to finalized agreements with City Manager (plat, metes and bounds and a finalized amount for the street), for a partial street right-of-way closure of 30 feet (eastside of S. Saunders Street). The property is described as being a re-plat of Lot 1-R, Block 734, Aransas Pass Townsite. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

**G. PUBLIC HEARING ON MODIFICATIONS TO SECTION 12 (OFF-STREET PARKING REQUIREMENTS) OF THE MUNICIPAL ZONING ORDINANCE NO. 1308 OF THE CITY OF ARANSAS PASS.**

Discussion: City Attorney Allen Lawrence opened the Public Hearing at 7:50 PM.

City Manager Carrillo stated this item was addressed because of street congestion around town. She stated there has to be an improved surface for a car to park instead of grassy areas. She stated this item would make new construction build more than one off street parking spaces.

Mayor Chapa stated, coming home late at night, he has witnessed vehicles being parked on city right-of ways.

City Manager Carrillo stated when citizens jump the curb to park, once the curb is broke, it affects drainage which causes flooding. She stated most of the older business are grandfathered in under the no improved parking surface ordinance. She stated when that ordinance was written, citizens didn't have that many cars in one family. She stated one solution could be abandoning the city right-of-way and allowing it for parking and making the business landscape and screen properly so it would look better. Once the older businesses start to remodel, they would have to meet the new building standards which would also include improved parking.

Mr. Hal Jones, developer, stated a lot of his development is high rise buildings and condos. He stated development like that only has two parking spaces. He stated the city could back its self into a corner making the ordinance read three mandatory parking spaces.

City Manager Carrillo stated staff recommendation was 2 parking spaces but Planning and Zoning Commission requested 3 parking spaces.

City Attorney Lawrence asked if there was anyone who would like to speak for or against this request.

There was none.

City Attorney Lawrence closed the Public Hearing at 8:04 PM.

**H. CONSIDER AND ACT ON MODIFICATIONS TO SECTION 12 (OFF-STREET PARKING REQUIREMENTS) OF THE MUNICIPAL ZONING ORDINANCE NO. 1308 OF THE CITY OF ARANSAS PASS.**

Motion Made By: Council Member Hyatt

Seconded By: Council Member Ellis

Votes: Aye Hyatt, Ellis, Abrego, Gomez, Chapa

Discussion: Council Member Hyatt made a motion to approve modifications to Section 12 (off-street parking requirements) of the Municipal Zoning Ordinance No. 1308 of the City of Aransas Pass to two (2) parking spaces. Council Member Ellis seconded the motion and the motion carried unanimously.

**9. CONSIDER AND ACT ON POLICE DEPARTMENT ITEMS:**

**A. MODIFYING SPEED LIMIT TO HARBOR ISLAND ROAD, ARANSAS PASS, TEXAS.**

**B. AMENDING CELL PHONE ORDINANCE (SEC. 28-116) – SIGNAGE**

**C. AMENDING CAMPING ORDINANCE (SEC. 19.5-4) - SIGNAGE**

**D. AMENDING DISCHARGING OF A FIREARM ORDINANCE (SEC. 18-9) - SIGNAGE**

**E. AMENDING TAXICAB ORDINANCE (SECS 30-22, 30-25, 30-58, 30-80, AND 30-82)**

**F. APPROVING USE OF PARK FOR POLICE EVOC TRAINING.**

**G. TCOLE TRAINING CONTRACT**

**H. DECLARING CITY PROPERTY SURPLUS PROPERTY AND APPROVING MASTER LIST.**

**I. ADDITIONAL POLICE TRAINING, ONLINE FROM POLICEONE.COM**

Motion Made By: Mayor Pro Tem Abrego

Seconded By: Council Member Ellis

Votes: Aye Abrego, Ellis, Gomez, Hyatt, Chapa

Discussion: Mayor Pro Tem Abrego made a motion to approve **A)** modifying speed limit of Harbor Island Road from 30 mph to 35 mph; **E)** Amending the Taxicab Ordinance (Sections 30-22, 30-25, 30-58, 30-80, and 30-82); **F)** approving use of park for Police EVOC training; **G)** TCOLE training contract; **H)** declaring city property surplus property and approving master list; and **I)** additional supplemental police training, on-line from PoliceOne.com. Council Member Ellis seconded the motion and the motion carried unanimously. (Referenced ordinances B, C, D and E were not in packet and amending these ordinances were not approved during this meeting.)

**10. CITY MANAGER UPDATES: F.M. 2725, F.M. 1069, MATLOCK, HIGHLAND, BEASLEY AND JOHNSON AVENUES, CONN BROWN HARBOR BULKHEAD, NATIONAL NIGHT OUT, HALLOWEEN AT THE AQUATIC CENTER, BOAT IN MOVIE AND CITIZENS ACADEMY.**

Mr. Johnny Perales with LNV stated the FM 2725 waterline design is about 95% complete and receiving bids in mid to late October, FM 1069 waterline project design is 100% complete and plan specifications have been turned over to GrantWorks who are in contact with the state on clearing environmental assessment, small section of waterline improvements on FM 1069 in front of Prairie View Cemetery is nearing completion by end of week, weather permitting. He stated Matlock waterline is essentially complete and just crossed Wheeler Avenue and installation of fire hydrants are lacking but should see completion by early to mid-October. He stated the general scope of work on Highland, Beasley and Johnson Avenues would be improving water, waste water, paving and drainage to help support new construction along those corridors and would be meeting with staff to begin designs with a design completion date in early 2015.

City Manager Carrillo stated Conn Brown Harbor bulkhead design has finally been established that meets intent, timeline and all within budget. She stated the City was having to absorb the former engineering fees of approximately \$38,000. Mr. Pat Veteto, RVE Engineering, stated design completion should be done by the end of 2014. He stated bid procedure should take a month and completion date for bulkhead repair should be just before summer 2015.

City Manager Carrillo stated National Night Out would consist of partnering with the APPD, featuring a dive-in movie, free hot dogs and no fees to enter Aquatic Center. She stated the Aquatic Centers closing date would be Halloween night. She stated Saturday, September 20 would be the City's first boat in movie playing Overboard with Goldie Hawn and Curt Russell. She stated Citizen's Academy began Tuesday, September 9<sup>th</sup> with 30 citizens signing up and confirming with only 9 actually attending.

**DEPARTMENT UPDATE: POLICE DEPARTMENT, FINANCIAL UPDATES**

City Manager Carrillo stated Finance Director Donna Cox would be out for several weeks and she (Carrillo) would go over financials with Council. She stated the City was ending the fiscal year well with expenditures coming in lower than expected (across the board). Chief Blanchard reviewed monthly crime statistics with the Council.

**11. CITIZENS' COMMENTS**

Name: Homer Robertson

Address: W. Young

Concern: Mr. Robertson voiced his concern on not being able to put a well and septic system on his lots located on W. Young. City Manager Carrillo stated Mr. Robertson would have to enter into a development agreement with the city.

Departments Affected:

Name: Mr. Redmond  
Address: 701 S Lamont  
Concern: Voiced his concern on opening 7<sup>th</sup> Street off of DeBerry.  
Departments Affected:

Name: Anita Martinez  
Address: 1232 W Goodnight  
Concern: Grandson was bitten by a dog walking to Kieberger. Also, in her neighborhood, citizens are letting their dogs loose after 5 PM. There is a pack of dogs running the street on Goodnight.  
Departments Affected: Animal Control

Name: Donald Brummett  
Address: 902 S Rife  
Concern: Having citizen's comments at the beginning of the City Council Meetings.  
Departments Affected: City Manager, City Secretary

Name: Carol Salinas  
Address:  
Concern: Agrees with Mr. Brummett on citizens comments being moved to beginning of meetings.  
Departments Affected: City Manager, City Secretary

Name: Steve Warren  
Address: 617 N. Houston  
Concern: Neighbors dog creating problems for him/  
Departments Affected: Animal Control, Police Department.

12. **RECESS OPEN MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.**

Mayor Chapa recessed the Open Meeting and retired into Executive Session at 8:39 PM.

**A. SECTION 551.072 – DELIBERATIONS REGARDING REAL PROPERTY – CONN BROWN HARBOR - DEVELOPMENT**

13. **RECONVENE OPEN MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.**

Mayor Chapa reconvened the Open Meeting at 9:53 PM.

**A. SECTION 551.072 – DELIBERATIONS REGARDING REAL PROPERTY – CONN BROWN HARBOR - DEVELOPMENT**

Discussion: **No Action.**

14. **ADJOURNMENT OF MEETING.**

Motion Made By: Council Member Hyatt  
Seconded By: Council member Ellis  
Votes: Aye Hyatt, Ellis, Gomez, Abrego, Chapa  
Nay:

Council Member Hyatt made a motion to adjourn the meeting. Council member Ellis seconded the motion and the motion carried unanimously.

Mayor Chapa adjourned the City Council meeting at 9:54 PM.

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Adan Chapa, Mayor

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Yvonne Stonebraker, City Secretary